

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JAMES PUDLOWSKI, LOUIS C. CROSS, III,
GAIL HENRY, and STEVE HENRY, on
Behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

THE ST. LOUIS RAMS, LLC, THE
ST. LOUIS RAMS PARTNERSHIP, and
ITB FOOTBALL COMPANY, LLC,

Defendants.

No. 4:16-CV-189 RLW

MEMORANDUM AND ORDER

This matter is before the Court on Defendants' Motion to Stay Order of Remand (ECF No. 51). On May 10, 2016, this Court issued an order remanding this case to the Twenty-Second Circuit Court in the City of St. Louis, Missouri. (ECF Nos. 49-50). Defendants have petitioned the Eighth Circuit for leave to appeal pursuant to 28 U.S.C. §1453(c). In the instant motion, Defendants ask this Court to stay its remand order while it pursues its appeal with the Eighth Circuit. (ECF No. 51 (citing *Raskas v. Johnson & Johnson*, No. 4:12 CV 2174 JCH, 2013 WL 1818133, at *1 (E.D. Mo. Apr. 29, 2013) (District Courts "have the authority to reopen these cases for the limited purpose of staying the remand orders. To hold that a district court lacks the limited jurisdiction to stay its remand order in a CAFA case would render the statutory right to appeal a CAFA remand order hollow.")). "When deciding a motion to stay pending appellate review, court consider four factors in determining whether a stay is warranted: '(1) the likelihood that a party seeking the stay will prevail on the merits of the appeal; (2) the likelihood that the

moving party will be irreparably harmed absent a stay; (3) the prospect that others will be harmed if the court grants the stay; and (4) the public interest in granting the stay.” *Raskas*, 2013 WL 1818133, at *2 (citing *Iowa Utilities Bd. v. F.C.C.*, 109 F.3d 418, 423 (8th Cir. 1996)). “This court must ‘consider the relative strength of the four factors, balancing them all.” *Raskas*, 2013 WL 1818133, at *2 (citing *Brady v. Nat’l Football League*, 640 F.3d 785, 789 (8th Cir.2011) (internal quotations marks and citation omitted)).

Defendants maintain that a balancing of the equities favors a stay. Defendants argue that they will succeed on the merits of the appeal. In addition, Defendants claim that, absent a stay, they will suffer irreparable harm by having to litigate this case in both state court and the Eighth Circuit. Plaintiffs argue that the stay will conserve both the Court’s and the parties’ resources, and neither Plaintiffs nor the public will suffer any harm from briefly staying this case while it proceeds through an expedited review by the Eighth Circuit. Finally, Defendants argue that the public interest favors a stay to conserve judicial resources.

In contrast, Plaintiffs argue that Defendants have not demonstrated that they will be irreparably harmed by a stay. (ECF No. 53). First, Plaintiffs emphasize that Defendants will not be able to succeed on the merits because there is not minimal diversity. Next, Plaintiffs argue that they will be irreparably harmed because a stay would postpone a final resolution of this matter. Lastly, Plaintiffs argue that a stay would not conserve judicial resources because the parties would have to begin the discovery process either in state court or another forum.

The Court grants Defendants’ Motion to Stay Order of Remand. After balancing the equities, the Court holds that a stay is warranted in this case, particularly based upon the last three factors. *Raskas*, 2013 WL 1818133, at *2. The Court believes that the additional expenses from simultaneous litigation weigh in favor of granting the stay. The Court also notes that a

definitive ruling should be forthcoming based upon the appellate review process set forth in § 1453(a). Finally, the Court holds that “public interest favors granting a stay because it would avoid potentially duplicative litigation in the state courts and federal courts, thereby conserving judicial resources and promoting judicial economy.” *Raskas*, 2013 WL 1818133, at *2.

Accordingly,

IT IS HEREBY ORDERED that Defendants’ Motion for a Stay Order of Remand (ECF No. 51) is **GRANTED**.

Dated this 20th day of June, 2016.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE